

# Senate File 2148 - Introduced

SENATE FILE \_\_\_\_\_  
BY HOGG

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act requiring criminal record checks of carnival workers and  
2 making penalties applicable.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 6011XS 82  
5 ak/nh/5

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1 1 Section 1. NEW SECTION. 88A.3A CRIMINAL RECORD CHECKS.  
1 2 1. As a condition of receiving or holding a permit under  
1 3 this chapter, an operator shall conduct a criminal record  
1 4 check in this state of each person employed by the operator at  
1 5 an amusement ride, an amusement device, or concession booth  
1 6 that is required to have a permit. The operator may require  
1 7 the employee to pay the cost of the criminal record check.  
1 8 2. To conduct the criminal record check, the operator  
1 9 shall submit a request for criminal history data to the  
1 10 department of public safety in accordance with chapter 692 no  
1 11 later than twenty-four hours after a person commences  
1 12 employment. A record check shall not be valid for more than  
1 13 twenty-four months. The operator shall have available for  
1 14 inspection a valid record check for each person employed at an  
1 15 amusement ride, amusement device, or concession booth that is  
1 16 required to have a permit.  
1 17 Sec. 2. Section 88A.7, Code 2007, is amended to read as  
1 18 follows:  
1 19 88A.7 CESSATION ORDER.  
1 20 The commissioner may order, in writing, a temporary  
1 21 cessation of operation of any amusement device or ride,  
1 22 concession booth, or related electrical equipment if it has  
1 23 been determined after inspection to be hazardous or unsafe or  
1 24 if the operator is not in compliance with section 88A.3A.  
1 25 Operation of the amusement device or ride, concession booth,  
1 26 or related electrical equipment shall not resume until the  
1 27 unsafe or hazardous condition is corrected to the satisfaction  
1 28 of the commissioner or the operator is in compliance with  
1 29 section 88A.3A.  
1 30 Sec. 3. Section 88A.12, Code 2007, is amended to read as  
1 31 follows:  
1 32 88A.12 LOCAL REGULATION.  
1 33 ~~Nothing contained in this~~ This chapter shall not prevent  
1 34 any political subdivision of this state from licensing or  
1 35 regulating any amusement ride or device, concession booth,  
2 1 electrical equipment, carnival, or circus as otherwise  
2 2 provided by law. A political subdivision of this state may  
2 3 inspect an operator to ascertain the operator's compliance  
2 4 with section 88A.3A and the inspection may include review of  
2 5 each employee's criminal record.  
2 6 Sec. 4. Section 88A.14, Code 2007, is amended to read as  
2 7 follows:  
2 8 88A.14 INJUNCTION.  
2 9 In addition to any and all other remedies, if an owner,  
2 10 operator, or person in charge of any amusement device or ride,  
2 11 concession booth, or related electrical equipment covered by  
2 12 this chapter, continues to operate any amusement device or  
2 13 ride, concession booth, or related electrical equipment  
2 14 covered by this chapter, after receiving a ~~notice of defect~~  
2 15 cessation order as provided by this chapter, without first  
2 16 correcting the defects or making replacements, or complying  
2 17 with section 88A.3A, the commissioner may petition the  
2 18 district court in equity, in an action brought in the name of  
2 19 the state, for a writ of injunction to restrain the use or  
2 20 operation of the ~~alleged defective~~ amusement device or ride,

2 21 concession booth, or related electrical equipment.

2 22 EXPLANATION

2 23 This bill requires operators of certain amusement rides and  
2 24 devices, concession booths, and other activities at carnivals  
2 25 or fairs to perform criminal record checks of employees. The  
2 26 bill is directed to operators required to hold a permit under  
2 27 Code chapter 88A, relating to safety inspection of amusement  
2 28 rides.

2 29 In new Code section 88A.3A, the bill provides that  
2 30 conducting the required record check is a condition of  
2 31 issuance and holding a permit. A record check is valid for  
2 32 not more than 24 months. An operator must have available for  
2 33 inspection a valid record check for each person employed at a  
2 34 ride, device, or booth that is required to have a permit.  
2 35 However, the operator may require the cost of a criminal  
3 1 record check to be paid by the employee.

3 2 Code section 88A.7, relating to cessation orders that may  
3 3 be issued by the labor commissioner, is amended to allow the  
3 4 commissioner to issue a cessation order for an operator that  
3 5 does not comply with the record check requirements.

3 6 Code section 88A.12, relating to regulation of amusement  
3 7 rides and devices and concession booths by political  
3 8 subdivisions, is amended to authorize a political subdivision  
3 9 of the state to inspect an operator to ensure the operator's  
3 10 compliance with the criminal record check requirement. The  
3 11 inspection may include review of each employee's criminal  
3 12 record.

3 13 Code section 88A.14, authorizing the labor commissioner to  
3 14 petition the court for an injunction to restrain the use of  
3 15 amusement rides and devices and concession booths that have  
3 16 been subject to a cessation order, is amended to include the  
3 17 record check requirement.

3 18 Under current law, Code section 88A.10 provides that a  
3 19 violation of permit requirements or order or rule issued under  
3 20 the Code chapter is a serious misdemeanor.

3 21 LSB 6011XS 82

3 22 ak/nh/5.1